

McGREGOR W. SCOTT
United States Attorney
KATHERINE E. SCHUH
Assistant United States Attorney
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

V.
JOSE AVALOS-CASTRO,

Defendant.

CASE NO. 1:20-CR-00093-NONE-SKO

UNITED STATES OF AMERICA,

Plaintiff,

v.
REYNALDO VILLANUEVA,

Defendant.

CASE NO. 1:20-CR-00094-NONE-SKO

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: August 17, 2020
TIME: 1:00 p.m.
COURT: Hon. Sheila K. Oberto

Defendants Jose Avalos-Castro and Reynaldo Villanueva were arraigned on June 18, 2020. This case is set for a status conference on August 17, 2020. On July 17, 2020, the Honorable Judge Drozd held a hearing on the defendants' motion to dismiss the criminal charges, and the matter was taken under submission. In light of the fact that the motion is now under submission, the parties hereby stipulate that time should be excluded from today's date through the August 17, 2020 status conference.

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendants, by and

through defendants' counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on August 17, 2020.

2. By this stipulation, defendants and the government now move to exclude time between July 17, 2020, and August 17, 2020, under Local Code T4.

3. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes wire and electronic interceptions, transcripts, line sheets, investigative reports and related documents, criminal history reports, photographs, video and audio recordings, and search warrants and other court orders. The discovery in this case is voluminous, consisting of many terabytes of electronic surveillance data in addition to thousands of pages of reports and other documents. The government has provided some of this discovery and will continue to provide it on an ongoing basis.

b) Due to the ongoing COVID-19 pandemic, counsel has not had an adequate opportunity to review discovery with his client in person. Counsel for defendants desire additional time review discovery provided by the government, conduct additional investigation regarding the charges, consult with his client, and discuss potential resolution with the government.

c) Counsel for defendants believe that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendants in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of August 17, 2020 to September 28, 2020, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendants' request on the basis

of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendants in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: July 17, 2020

McGREGOR W. SCOTT
United States Attorney

/s/ KATHERINE E. SCHUH
KATHERINE E. SCHUH
Assistant United States Attorney

Dated: July 17, 2020

/s/ EMILY TAKAO
EMILY TAKAO
Counsel for Defendant
Jose Avalos-Castro

Dated: July 17, 2020

/s/ NICHOLAS REYES
NICHOLAS REYES
Counsel for Defendant
REYNALDO VILLANUEVA

FINDINGS AND ORDER

IT IS SO ORDERED.

Dated: July 20, 2020

/s/ Sheila H. Oberto
UNITED STATES MAGISTRATE JUDGE